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10/729,959	12/09/2003	Osamu Tachizawa	246310US0	2738
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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER CHANNAVAJJALA, LAKSHMI SARADA	
			ART UNIT 1611	PAPER NUMBER
			NOTIFICATION DATE 04/09/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/729,959	Applicant(s) TACHIZAWA ET AL.	
	Examiner Lakshmi S. Channavajjala	Art Unit 1611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Receipt of response dated 1-10-08 and IDS dated 1-4-08 is acknowledged.

Claims 1-20 are pending in the instant application.

In response to the newly submitted IDS (cited by the Opposition proceedings in the European Patent Office), the rejections of record have been withdrawn as the following new rejections have been presented:

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

1. Claims 1-20 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-17 of U.S. Patent No. 6,914,038 ('038) in view of EP 190010 (hereafter EP10, submitted on PTO-1449), Cox (JAOCS) and US 6,133,212 to Elliott et al (Elliott).

'038 claim hair-cleansing compositions comprising water, anionic sulfate type surfactant, cationic gum (reads on instant cationic polymer), silicone etc. The claims of '038 do not describe the actual sulfate surfactant or number of moles of ethoxylation and generally teaches sulfate-type surfactant. However, under the definition of "sulfate" surfactants, '0238 teaches both alkyl ether sulfates and also alkyl ether sulfates containing polyethylene oxide groups (having the same formula of instant claim 1). Thus, the claims of '038 are generic to sulfate surfactants.

EP10 teaches shampoo compositions comprising anionic surfactant, silicone, gums, water, pearlescent agent etc (see examples). Among the surfactants, EP teaches alkyl ether sulfates containing polyethylene oxide groups (page 3, L 20-page 4, L17) and an average 3 moles of ethylene oxide per alcohol. Among the preferred compounds, EP10 teaches upto 30% of the sulfates having 0 moles of ethoxylation (reads on instant $n=0$) and 45% -90% having $n=1-4$; 10-25% having $n=4-8$ and 0.1% to 15% having $n \geq 18$. While the percentages described by EP10 appears to be different from those claimed, an overall percentage or distribution of ethylene oxide groups falls within the claimed ranges. Further, EP10 teaches a mixture or a combination of sulfate surfactants with ethylene oxide groups and alkyl ether sulfate (also present in the example compositions of '038).

Cox teaches C12 fatty alcohol ether sulphate reacted with ethylene sulphate (peaked ethoxylates) having less unethoxylated alcohol as having low odor, easy to formulate into liquids, and perform better in terms of detergency and wetting performance (abstract). Cox states that the peaked ethoxylates have less alcohol

Art Unit: 1611

sulfate formed during sulfation, which increases the skin mildness. Starting from page 602, right-hand column, Cox discusses ether sulphates and their properties: The influence of alkyl ether sulphates reacted with 1 mole EO on the viscosity behavior of aqueous solutions if salt is added is discussed at the bottom of the left-hand column of page 603. According to that described in "Experimental Procedures" on page 599, the ether sulphates examined were produced from the fatty alcohol ethoxylates by sulfonation with SO₃. The ether sulphates are also sodium salts since production took place in the presence of sodium hydroxide. The ether sulphates produced in this manner must have the same homologue distribution as the fatty alcohol aloxylates forming the basis therefor. Fig. 12 at the top of page 604 of indicates the viscosity of an aqueous solution with a content of 15 wt-% of a fatty alcohol ether sulphate (1 EO): Whereas the solution containing the alcohol ether sulphates reacted with 1 mole EO already shows an increase in viscosity at lower salt concentrations, this shifts to higher concentrations in the case of standard alcohol ether sulphates reacted with 3 moles. Cox suggests that the higher ethylene oxide content greater is the solubility (page 600-601) and improves the performance of detergency when the ethylene oxide is properly optimized.

The prior art of record recognizes cleansing compositions for with a combination of alkyl ether surfactants comprising no ethoxylation and upto 2-4 moles of ethoxylation (EP), with varying amounts or percentages of ethoxylation and the effect of optimal ethoxylation on the performance of the composition (Cox). Therefore, it would have been obvious for one of an ordinary skill in the art at the time of the instant invention to

Art Unit: 1611

incorporate the anionic surfactants of EP i.e., alkyl sulfates or alkyl ether sulfate with varying ranges or percentages of ethoxylation or a mixture of both, in the cleansing composition of '038 because EP10 suggests that the alkyl ether sulfates containing polyethylene oxide groups alone or in combination with alkyl ether sulfates improve the silicone deposition on hair and also overcome the problems associated with the compatibility of anionic surfactant and conditioning agents in the cleansing compositions; and Cox suggests that the optimum ethoxylation affects the solubility as well as the skin feeling. With respect to the unexpected results, the prior art cited recognizes mixtures of sulphate surfactants with different degrees of ethoxylation, and different amounts of individual of sulphate surfactants for the same purpose as described in the instant disclosure as well in the results.

In this regard US '212 teaches personal cleansing compositions comprising alkyl sulphate surfactants containing 8-10 carbon atoms and ethoxylated alkyl sulphate surfactants having a degree of ethoxylation from 2-4 (col. 2 and col. 4, L 10-17), in addition to the conditioning agents and other surfactants. '212 teach that narrow range ethoxylated alkyl sulfates are particularly suitable for cleansing composition, to produce superior skin feel, mildness, and excellent rinsing behavior, good lathering and cleansing ability. In particular, '212 teach 15-30% Eon, 10-20% Eon+1 and 10-20% of EO n-1, with less than 9% by weight of sulphate having greater than 7 moles. Accordingly, variations in the solubility, surface tension, foam generation, cleansing efficiency of the mixtures of sulphate surfactants containing different amounts of ethoxylation is not unexpected from the teachings of prior art.

2. **Claims 1-20 are directed to an invention not patentably distinct from claims 1-17 of commonly assigned US 6,914,038. See the above explanation** that both sets of claims.

The U.S. Patent and Trademark Office normally will not institute interference between applications or a patent and an application of common ownership (see MPEP Chapter 2300). Commonly assigned 6,914,038, discussed above, would form the basis for a rejection of the noted claims under 35 U.S.C. 103(a) if the commonly assigned case qualifies as prior art under 35 U.S.C. 102(e), (f) or (g) and the conflicting inventions were not commonly owned at the time the invention in this application was made. In order for the examiner to resolve this issue, the assignee can, under 35 U.S.C. 103(c) and 37 CFR 1.78(c), either show that the conflicting inventions were commonly owned at the time the invention in this application was made, or name the prior inventor of the conflicting subject matter.

A showing that the inventions were commonly owned at the time the invention in this application was made will preclude a rejection under 35 U.S.C. 103(a) based upon the commonly assigned case as a reference under 35 U.S.C. 102(f) or (g), or 35 U.S.C. 102(e) for applications pending on or after December 10, 2004.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over a combination of EP 190 010 (hereafter EP 10) and Cox (JAOCS) and US 6,133,212 to Elliott et al (Elliott).

EP10 teaches shampoo compositions comprising anionic surfactant, silicone, gums, water, pearlescent agent etc (see examples). Among the surfactants, EP teaches alkyl ether sulfates containing polyethylene oxide groups (page 3, L 20-page 4, L17) and an average 3 moles of ethylene oxide per alcohol. Among the preferred compounds, EP10 teaches upto 30% of the sulfates having 0 moles of ethoxylation (reads on instant $n=0$) and 45% -90% having $n=1-4$; 10-25% having $n=4-8$ and 0.1% to 15% having $n \geq 18$. While the percentages described by EP10 appears to be different from those claimed, an overall percentage or distribution of ethylene oxide groups falls within the claimed ranges. Further, EP10 teaches a mixture or a combination of sulfate surfactants with ethylene oxide groups and alkyl ether sulfate.

Cox teaches C12 fatty alcohol ether sulphate reacted with ethylene sulphate (peaked ethoxylates) having less unethoxylated alcohol as having low odor, easy to formulate into liquids, and perform better in terms of detergency and wetting performance (abstract). Cox states that the peaked ethoxylates have less alcohol sulfate formed during sulfation, which increases the skin mildness. Starting from page 602, right-hand column, Cox discusses ether sulphates and their properties: The

Art Unit: 1611

influence of alkyl ether sulphates reacted with 1 mole EO on the viscosity behavior of aqueous solutions if salt is added is discussed at the bottom of the left-hand column of page 603. According to that described in "Experimental Procedures" on page 599, the ether sulphates examined were produced from the fatty alcohol ethoxylates by sulfonation with SO₃. The ether sulphates are also sodium salts since production took place in the presence of sodium hydroxide. The ether sulphates produced in this manner must have the same homologue distribution as the fatty alcohol aloxylates forming the basis therefor. Fig. 12 at the top of page 604 of indicates the viscosity of an aqueous solution with a content of 15 wt-% of a fatty alcohol ether sulphate (1 EO): Whereas the solution containing the alcohol ether sulphates reacted with 1 mole EO already shows an increase in viscosity at lower salt concentrations, this shifts to higher concentrations in the case of standard alcohol ether sulphates reacted with 3 moles. Cox suggests that the higher ethylene oxide content greater is the solubility (page 600-601) and improves the performance of detergency when the ethylene oxide is properly optimized.

The prior art of record recognizes cleansing compositions for with a combination of alkyl ether surfactants comprising no ethoxylation and upto 2-4 moles of ethoxylation (EP), with varying amounts or percentages of ethoxylation and the effect of optimal ethoxylation on the performance of the composition (Cox). Therefore, it would have been obvious for one of an ordinary skill in the art at the time of the instant invention to incorporate the anionic surfactants of EP i.e., alkyl sulfates or alkyl ether sulfate with varying ranges or percentages of ethoxylation or a mixture of both, in the cleansing

Art Unit: 1611

composition of '038 because EP10 suggests that the alkyl ether sulfates containing polyethylene oxide groups alone or in combination with alkyl ether sulfates improve the silicone deposition on hair and also overcome the problems associated with the compatibility of anionic surfactant and conditioning agents in the cleansing compositions; and Cox suggests that the optimum ethoxylation affects the solubility as well as the skin feeling. With respect to the unexpected results, the prior art cited recognizes mixtures of sulphate surfactants with different degrees of ethoxylation, and different amounts of individual of sulphate surfactants for the same purpose as described in the instant disclosure as well in the results.

In this regard US '212 teaches personal cleansing compositions comprising alkyl sulphate surfactants containing 8-10 carbon atoms and ethoxylated alkyl sulphate surfactants having a degree of ethoxylation from 2-4 (col. 2 and col. 4, L 10-17), in addition to the conditioning agents and other surfactants. '212 teach that narrow range ethoxylated alkyl sulfates are particularly suitable for cleansing composition, to produce superior skin feel, mildness, and excellent rinsing behavior, good lathering and cleansing ability. In particular, '212 teach 15-30% Eon, 10-20% Eon+1 and 10-20% of EO n-1, with less than 9% by weight of sulphate having greater than 7 moles. Accordingly, variations in the solubility, surface tension, foam generation, cleansing efficiency of the mixtures of sulphate surfactants containing different amounts of ethoxylation is not unexpected from the teachings of prior art.

Art Unit: 1611

4. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being obvious over US 6,914,038 in view of EP 190010 (hereafter EP10, submitted on PTO-1449), Cox and US 6,133,212 to Elliott et al (Elliott).

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). This rejection might also be overcome by showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(I)(1) and § 706.02(I)(2).

'038 claims and teaches hair cleansing compositions comprising water, anionic sulfate type surfactant, cationic gum (reads on instant cationic polymer), silicone etc. The claims of '038 do not describe the actual sulfate surfactant and generally teaches sulfate-type surfactant. However, under the definition of "sulfate" surfactants, '0238 teaches both alkyl ether sulfates and also alkyl ether sulfates containing polyethylene

Art Unit: 1611

oxide groups (having the same formula of instant claim 1, see col. 2 and examples of '038). '038 do not teach the claimed percentages of ethylene oxide units in the surfactant.

EP10, discussed above, teaches the claimed alkyl sulfate surfactant with the percentages of ethylene oxide in the claimed range. Therefore, it would have been obvious for one of an ordinary skill in the art at the time of the instant invention to incorporate the anionic surfactants of EP10 i.e., alkyl sulfates or alkyl ether sulfate with the above range or percentage of ethoxylation or a mixture of both, in the cleansing composition of '038 because EP10 suggests that the alkyl ether sulfates containing polyethylene oxide groups alone or in combination with alkyl ether sulfates improve the silicone deposition on hair and also overcome the problems associated with the compatibility of anionic surfactant and conditioning agents in the cleansing compositions.

Cox teaches C12 fatty alcohol ether sulphate reacted with ethylene sulphate (peaked ethoxylates) having less unethoxylated alcohol as having low odor, easy to formulate into liquids, and perform better in terms of detergency and wetting performance (abstract). Cox states that the peaked ethoxylates have less alcohol sulfate formed during sulfation, which increases the skin mildness. Starting from page 602, right-hand column, Cox discusses ether sulphates and their properties: The influence of alkyl ether sulphates reacted with 1 mole EO on the viscosity behavior of aqueous solutions if salt is added is discussed at the bottom of the left-hand column of page 603. According to that described in "Experimental Procedures" on page 599, the

Art Unit: 1611

ether sulphates examined were produced from the fatty alcohol ethoxylates by sulfonation with SO_3 . The ether sulphates are also sodium salts since production took place in the presence of sodium hydroxide. The ether sulphates produced in this manner must have the same homologue distribution as the fatty alcohol aloxylates forming the basis therefor. Fig. 12 at the top of page 604 of indicates the viscosity of an aqueous solution with a content of 15 wt-% of a fatty alcohol ether sulphate (1 EO): Whereas the solution containing the alcohol ether sulphates reacted with 1 mole EO already shows an increase in viscosity at lower salt concentrations, this shifts to higher concentrations in the case of standard alcohol ether sulphates reacted with 3 moles. Cox suggests that the higher ethylene oxide content greater is the solubility (page 600-601) and improves the performance of detergency when the ethylene oxide is properly optimized.

The prior art of record recognizes cleansing compositions for with a combination of alkyl ether surfactants comprising no ethoxylation and upto 2-4 moles of ethoxylation (EP), with varying amounts or percentages of ethoxylation and the effect of optimal ethoxylation on the performance of the composition (Cox). Therefore, it would have been obvious for one of an ordinary skill in the art at the time of the instant invention to incorporate the anionic surfactants of EP i.e., alkyl sulfates or alkyl ether sulfate with varying ranges or percentages of ethoxylation or a mixture of both, in the cleansing composition of '038 because EP10 suggests that the alkyl ether sulfates containing polyethylene oxide groups alone or in combination with alkyl ether sulfates improve the silicone deposition on hair and also overcome the problems associated with the

Art Unit: 1611

compatibility of anionic surfactant and conditioning agents in the cleansing compositions; and Cox suggests that the optimum ethoxylation affects the solubility as well as the skin feeling. With respect to the unexpected results, the prior art cited recognizes mixtures of sulphate surfactants with different degrees of ethoxylation, and different amounts of individual of sulphate surfactants for the same purpose as described in the instant disclosure as well in the results.

In this regard US '212 teaches personal cleansing compositions comprising alkyl sulphate surfactants containing 8-10 carbon atoms and ethoxylated alkyl sulphate surfactants having a degree of ethoxylation from 2-4 (col. 2 and col. 4, L 10-17), in addition to the conditioning agents and other surfactants. '212 teach that narrow range ethoxylated alkyl sulfates are particularly suitable for cleansing composition, to produce superior skin feel, mildness, and excellent rinsing behavior, good lathering and cleansing ability. In particular, '212 teach 15-30% Eon, 10-20% Eon+1 and 10-20% of EO n-1, with less than 9% by weight of sulphate having greater than 7 moles. Accordingly, variations in the solubility, surface tension, foam generation, cleansing efficiency of the mixtures of sulphate surfactants containing different amounts of ethoxylation is not unexpected from the teachings of prior art.

Response to Arguments

5. Applicant's arguments filed 1-10-08 have been fully considered but they are not persuasive.

Art Unit: 1611

Applicants argue that instant claims require that the sum of sulfates where $n=0-2$ is 70% or greater results in improved foam speed as evidenced by the results in table 2 and that the none of the references teach the limitation. It is argued that Elliott teaches narrow range, there is no teaching of foam speed at the claimed $n=0-2$ being 70% or more. It is argued that EP prefers a composition with degree of ethoxylation of 1-4 and is deficient in the above limitation. However, instant rejection now includes the teachings of Cox, which teaches the importance of ethoxylation and unethoxylation. Further, instant claims do not recite the foam speed. In the absence of the argued limitation, the motivation to optimize the amounts of ethoxylation in the prior art need not be same as that of the instant. Cox as well as Elliott provides the requisite motivation to optimize the overall ethoxylation of the sulfate surfactants of EP so as to arrive at a mild, soluble surfactant that possesses good foam quality and stability.

Applicants requested that examiner hold the following double patenting rejection in abeyance. However, the examiner notes that the following application has been allowed and issued as US 7,307,050 and therefore, the rejection has been maintained.

6 Claims 1-20 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-7 of copending Application No. 11/313,740 (US 7307050). Although the conflicting claims are not identical, they are not patentably distinct from each other because

both instant as well as the co-pending claims are directed aqueous hair cleansing composition comprising exactly the same sulfate surfactant. While instant claims broadly recite other components such as silicones, cationic polymers etc., and application no.11/313,740 recites the specific components. Thus, the claims of the co-pending claims anticipate instant claims.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Conclusion

1. Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on 1-4-08 prompted the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 609.04(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 1611

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lakshmi S. Channavajjala whose telephone number is 571-272-0591. The examiner can normally be reached on 9.00 AM -5.30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Woodward can be reached on 571-272-8373. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lakshmi S Channavajjala/
Primary Examiner, Art Unit 1611
March 31, 2008

